


CERTIFICATE OF MAILING

I hereby certify that this correspondence and any documents indicated as being enclosed therein are being deposited with the U.S. Postal Service first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: 6/28/2004


Printed Name: Stephanie Klepp

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: CHARLES A. MILLIGAN ET AL.)
SERIAL NO.: 10/791,205) ATTY DOCKET NO.: 2003-023-DSK
FILED: March 2, 2004)
TITLE: CANISTER-BASED STORAGE SYSTEM)

PETITION UNDER 37 C.F.R. § 1.47(a)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Joint inventor, Jacques Debiez, refuses to join in this application for patent. This is a petition requesting that the application may be made by the other inventors, Charles A. Milligan, Michael L. Leonhardt, Stephen S. Selkirk, Thai Nguyen, Steve H. McCown, Michael V. Konshak, Robert Klunker, Gerald O'Nions, Ludovic Duval, and Philippe Y. Le Graverand, on behalf of themselves and the refusing inventor Jacques Debiez.

The last known address of inventor Jacques Debiez is:

229 Chemin de Tucaut
31270 Cugnaux
FRANCE

Storage Technology Corporation has not attempted to join Mr. Debiez, a French citizen, in the application because Mr. Debiez is also a co-inventor in another application wherein he refused to join in the application, stating he will take legal action if he receives any further correspondence from Storage Technology Corporation. (See email from Jacques Debiez to Stephanie Klepp, Administrative Assistant, dated June 11, 2003, attached as Exhibit A, and email string containing emails dated May 22, 2003, and April 24, 2003, from Florence Melou,

Human Resources Manager of STK European Operations, to Dale Boland, Employment Attorney, attached as Exhibit B.)

It is hereby requested that the Commissioner allow the application for patent to be made on behalf of all of the inventors by allowing the undersigned to prosecute this application in the absence of a declaration signed by inventor Jacques Debiez.

Respectfully submitted,

CHARLES A. MILLIGAN ET AL.

By: 
Timothy R. Schulte, Reg. No. 29,013

Date: June 28, 2004

One StorageTek Drive, MS-4309
Louisville, CO 80028-4309
Telephone: (303) 673-5989
Facsimile: (303) 673-4151

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EXHIBIT A

Debiez,

De: Debiez, Jacques [jacques.debiez@online.fr]
Envoyé: mercredi 11 juin 2003 13:31
À: 'stephanie_klepp@storagetek.com'
Cc: 'josselin.alliel@wanadoo.fr'
Objet: 2003-023-DSK / US 60/451,460
Signé par: jacques.debiez@online.fr
Importance: Haute
Critère de diffusion: Confidentiel
Indicateur de suivi: Assurer un suivi
Échéance avant le: lundi 30 juin 2003 09:00
État de l'indicateur: Avec indicateur

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Here attached the files of a mail exchange between STEO/Toulouse and myself, subsequent to your request dated May 5th 2003, for the signature of a patent filing n°60/451,460 / 2003-023-DSK. You will have to translate both letters, in French.
At this point, you do not have my authorization to file this patent application – for the reasons exposed in my letter.

I would like to make sure that you are aware of the dead-end answers from STEO 'management' and that you fully agree with this attitude. If you do not, let us know quickly.
That will clearly have lawsuits consequences for StorageTek and STEO, this, about any submission related to CANISTER concept or other Patents I was involved in as principal inventor. It would have been easier to keep me updated with all this and to find an agreement – STEO choice is different, as foreseeable.

Since I left the company on December 24th, 2002 your new request, dated in 2003 without any information to my attention is violating my inventor rights.
I inform you that my IP lawyer will take the necessary actions on my behalf directly with USPTO, international and French organizations to make sure that these rights are respected worldwide.
Due to this misappropriation made visible, we will carefully check any further applications submitted by StorageTek on topics I've been working on, and notify authorized agencies with any further discrepancies.

Best Regards

Jacques DEBIEZ

Signed electronically

EXHIBIT B

Klepp, Stephanie A

From: Boland, Dale L
Sent: Thursday, May 22, 2003 3:36 PM
To: Melou, Florence
Cc: Schulte, Timothy R (Tim); Klepp, Stephanie A; Hamzi, Christine; Boushira, Jean-Pierre; Pallister, Stuart
Subject: RE: Toulouse matter / Patents



Thanks Florence- we will drop the issue for these two employees. However our current process requires that we notify the individual at the last known address requesting that they sign the patent that they worked on. Actually we have to demonstrate to the US Patent office that we did make a good faith effort to obtain a signature. Based on the below how would you like us to handle in the future. Thanks for your help on this. Dale Boland

-----Original Message-----

From: Melou, Florence
Sent: May 22, 2003 10:51 AM
To: Boland, Dale L
Cc: Schulte, Timothy R (Tim); Klepp, Stephanie A; Hamzi, Christine; Boushira, Jean-Pierre; Pallister, Stuart
Subject: RE: Toulouse matter / Patents
Importance: High

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Dale,

We've to face another problem regarding patents.

Jacques Debiez was laid off by the company in December. We came up against difficulties to negotiate his departure with his lawyer and our lawyer, to avoid a lawsuit.

Today, we received a registered letter, in which he threatens us with legal proceedings.
Cause : STK HQ legal department sent him a letter at his private address, asked him to sign a patent.

If he receives again this kind of letter, he'll take the case to court, getting help of his lawyer (specialized in Patent rights).

I hope you'll understand our concern, he registered a lot of patents for the company for the two last years.

We'd also like to avoid the same problem with Agnes Hermeline, who was laid off after Rainbow, in November 2002...

In France, when someone leaves the company, he cannot be eligible for any money, but he also loses his rights.

Please forward this email to whom it may concern.

Best regards,

Florence Melou
HR Manager
Toulouse.

-----Message d'origine-----

De : Boland, Dale L
Envoyé : lundi 28 avril 2003 17:06
À : Melou, Florence
Cc : Schulte, Timothy R (Tim); Klepp, Stephanie A
Objet : RE: Toulouse matter

Florence: thanks for your email. Legal still requires that she sign paperwork. We thought it best to deliver to our attorneys. Can you provide the name of our attorney? Thanks Dale

-----Original Message-----

From: Melou, Florence
Sent: April 24, 2003 1:56 AM
To: Boland, Dale L

Subject:

RE: Toulouse matter

Date:



Agnes Hermeline has been laid off in November 2002, after Rainbow project. She sues StorageTek (lawsuit), that's why she refused to sign the papers, and even if we ask by the way of her lawyer, she'll refuse.

In my opinion, she lost her rights as she leaves the company, we don't have to pay her \$1.000.

Let me know if I could do anything else.

Regards,

Florence Melou
Human Resources Manager
Toulouse
00 33 (5) 62 14 30 11 phone
00 33 (5) 62 14 30 14 fax
florence_melou@storagetek.com
StorageTek
INFORMATION made POWERFUL

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